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Agenda item 5

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 21 June 2010 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the letter from the Honourable Dato' Sri Mohd. Najib, the Prime Minister of Malaysia, addressed to the Secretary-General (see annex). The letter is related to the recent unprovoked attack by the Israeli Defence Forces on vessels carrying humanitarian aid to Gaza.

I would like to request that the present letter and its annex be circulated as a document of the United Nations.

(*Signed*) **Hamidon** Ali
Ambassador
Permanent Representative of Malaysia to the United Nations

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Annex to the letter dated 21 June 2010 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General

Letter dated 17 June 2010 from the Prime Minister of Malaysia addressed to the Secretary-General

I write this letter to convey to you Malaysia's deep concern about the recent unprovoked attack by the Israeli Defence Forces in international waters on Gaza-bound vessels carrying humanitarian aid. The violent attack resulted in the killing and injuring of innocent and unarmed volunteers and was in complete disregard of international law and the Charter of the United Nations.

The world has been following the situation in Palestine for a long time. There is growing anxiety among a wide section of the people in the international community who are striving to build a world rooted in peace and justice, especially in the Middle East. In this context, the pressing need of the hour is for an unequivocal affirmation of the highest principles of justice, human rights and equality from the United Nations. I am encouraged that Your Excellency has strongly condemned the Israeli attack on the Freedom Flotilla, and Malaysia fully supports your proposal for the establishment of an international commission to investigate the attack, to be headed by the former Prime Minister of New Zealand, Sir Geoffrey Palmer, and to include representatives from the United States, Turkey and Israel.

As the Secretary-General of the United Nations, Your Excellency has a very crucial role to play. I would like to seek your personal intervention with members of the United Nations and with the leaders of the concerned parties to demand a full independent investigation of the Israeli attack on the innocent civilians in international waters and to demand that the parties concerned comply with the multitude of United Nations resolutions that have been adopted concerning the question of Palestine, including Security Council resolution 1860 (2009).

If the calls by the international community for the Security Council to initiate a prompt, impartial, credible and transparent investigation conforming to international standards on the Israeli attack on the innocent civilians in international waters fail to materialize, Malaysia would like to request Your Excellency to urge the members of the General Assembly to convene an emergency special session on the breach of international law due to the Israeli attack. This request is in accordance with General Assembly resolution 377 (A), entitled "Uniting for peace". There is a real danger of an alarming humanitarian crisis developing and putting at risk thousands of human lives if the inhumane blockade of Gaza since June 2007 is not fully lifted. The emergency special session should also pressure Israel to immediately lift the inhumane blockade of Gaza. Through this emergency special session, the General Assembly may request an advisory opinion from the International Court of Justice (ICJ) on the legality and legal consequences of the Israeli attack on the Freedom Flotilla in international waters.

Malaysia is of the view that the international community, especially the United Nations, should make every effort to ensure that this aggressive unilateral action by Israel does not lead to a widening of the conflict in the region. In fact, a wide section of people in the international community has long held the position that

durable peace, reconciliation and healing between Palestinians and Israelis should be based on the principles of equality and justice. We now urge Your Excellency to use your good offices to ensure that the United Nations acts as the guarantor and protector of human rights and justice in Palestine through firm and decisive action.

Excellency, may I count on your continued support in finding a peaceful and lasting solution to the problems in the Middle East.

(*Signed*) Dato' Sri **Mohd. Najib**

Enclosure

Motion in the Parliament of Malaysia condemning the Israeli attack on the Freedom Flotilla carrying humanitarian aid to Gaza

7 June 2010

In accordance with Standing Orders 27 (3), the House of Representatives of the Parliament of Malaysia hereby adopts the following resolution:

THAT, the Zionist military regime, under the orders of the Prime Minister of Israel, Benjamin Netanyahu, launched an attack without reason in international waters on the Freedom Flotilla vessel convoy carrying humanitarian aid to Gaza on 31 May 2010, which has resulted in deaths and injuries to the members of the humanitarian aid convoy;

THAT, the Zionist regime's attacks on the humanitarian aid vessels are in violation of international law, including human rights law, international humanitarian law and the Charter of the United Nations;

THAT, similar sentiments were voiced through the joint statement of the Foreign Ministers of the Association of Southeast Asian Nations (ASEAN) and the Gulf Cooperation Council (GCC) in Singapore on 1 June 2010, which sternly condemned the actions of the Israeli Zionist regime;

THAT, the people of Malaysia hold firmly the position that there is no justification for the excessive use of force on the humanitarian aid vessels bound for Gaza in aid of the Palestinian people; and

THAT, the people of Malaysia are deeply dismayed at the inability of the international community, particularly the United Nations Security Council, to take any strong action with regard to this violent act by the Zionist regime;

THUS, THIS HOUSE resolves to make the following resolutions:

(1) Strongly condemn the attack by the Zionist military regime, under the orders of the Prime Minister of Israel, Benjamin Netanyahu, on the humanitarian aid mission vessels to Gaza, which has resulted in deaths and injuries to civilians;

(2) Record profound disappointment with the United Nations Security Council on its mild statement on the violent attack by the Zionist regime on the humanitarian aid mission vessels;

(3) Decide to demand the United Nations Security Council to censure Israel and not merely issuing a mild statement;

(4) Decide for Malaysia to cooperate with the member countries of the Organization of the Islamic Conference (OIC), the Non-Aligned Movement (NAM), the League of Arab States and other like-minded countries to uphold the principles of international law, including human rights law, international humanitarian law and the Charter of the United Nations, in dealing with the humanitarian crisis in Gaza;

(5) Urge like-minded countries to propose a motion to the United Nations Security Council to refer the situation resulting from the attack by the Israel Zionist military regime to the International Criminal Court (ICC);

(6) Urge like-minded countries to propose a motion to the United Nations General Assembly to seek an advisory opinion from the International Court of Justice (ICJ);

(7) Request the State of Turkey to consider initiating action under the Rome Statute of the International Criminal Court (ICC);

(8) Call for a fully independent investigation to be conducted on the attack by the Zionist military regime and not merely an impartial investigation;

(9) Fully support the demands by the international community, particularly the Human Rights Council through its resolution 14/1 of 2 June 2010, for an accountable and fully independent investigation to be carried out on the attack;

(10) Demand that Israel not block any humanitarian aid convoy to the Palestinian people, particularly in Gaza, consistent with United Nations Security Council resolution 1860 (2009);

(11) Welcome the action by the State of Egypt to unconditionally open the Rafah border to ensure the unobstructed channelling of humanitarian aid;

(12) Appeal to the international community to continue extending humanitarian aid to the nationals of the Palestinian Territories in Gaza without being intimidated, and undaunted by the threats of the Zionist regime;

(13) Express appreciation to the States of Jordan, Turkey, Ireland, the Philippines and other countries that are involved in the efforts to secure the release of Malaysian nationals who were detained by the Zionist regime;

(14) Urge the Palestinian people to unite in safeguarding their inalienable rights to establish a free, independent and sovereign State of Palestine; and

(15) Express the solidarity of the people of Malaysia towards the cause of the Palestinian people in the establishment of a free independent and sovereign State of Palestine.